

February 17th 1939.

Honorable Larry B. Wilson,
House of Representatives,
Capitol
Phoenix, Arizona.

LAW LIBRARY

ARIZONA ATTORNEY GENERAL

Dear Sir:

This will acknowledge receipt of your request of February 15, 1939, for our opinion as to the liability of the State for doctor bills for surgical treatment of girl juvenile offenders committed to the Convent of the Good Shepherd by the courts of the State.

In this connection you are advised that pursuant to the provisions of Chapter 85, Laws of the Regular Session 1935, the Board of Directors of State Institutions entered into a contract with the Convent of the Good Shepherd for the detention, confinement, education, employment, reformation, treatment, and discipline of girl juvenile offenders sentenced by courts having jurisdiction over such offenders.

Paragraph 8 of said contract is as follows:

"It is further understood and agreed that any such girl juvenile who, in the judgment of the attending physician, becomes in need of special hospitalization, shall be transferred by the party of the second part, (the convent) to a reputable, qualified hospital for such special treatment under the care of said physician, and that for the time actually required in such hospital for such special treatment, the party of the second part, shall charge the party of the first part the sum of Two dollars (\$2.00) per day for room, board and general nursing care, and for contagious diseases the sum of Dollars (\$) per day; that any other hospitalization charges, such as drugs, medicines or supplies shall be at the current standard prices at which such drugs, medicines and supplies are dispensed by pharmacists and supply houses in the community; that all required X-Ray, laboratory or surgical work shall be based on fifty per cent (50%) of current standard prices for such services."

You will note that under said paragraph 8 of the contract if in the judgment of the attending physician any of such girls become in need of special hospitalization and are removed to a hospital for an receive surgical attention, that the State has obligated itself to pay 50% of the current standard prices for X-Ray, laboratory and surgical work or services.

Page Two
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Therefore it is our opinion that if any girl juvenile offender, committed to the Convent of the court became ill and the attending physician determined that such girl was in need of special hospitalization, and she was removed to a hospital and there received surgical work or services, the State would be liable for 50% of the current standard price for such surgical work or service under said paragraph 3.

We wish to advise you that the contract above mentioned was not submitted to this department for approval.

Very truly yours,

JOE CONWAY
Attorney General

EARL ANDERSON
Special Assistant
Attorney General.